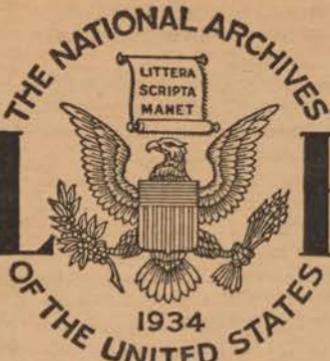


FEDERAL REGISTER



THE NATIONAL ARCHIVES
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Washington, Tuesday, July 2, 1940

The President

EXECUTIVE ORDER

DIRECTING THE CIVIL SERVICE COMMISSION TO ESTABLISH A REPLACEMENT LIST OF NON-CIVIL SERVICE EMPLOYEES FOR USE FOR TEMPORARY APPOINTMENTS TO NATIONAL DEFENSE POSITIONS

By virtue of the authority vested in me by section 1753 of the Revised Statutes (U.S.C., title 5, sec. 631), by the Civil Service Act (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

1. The Civil Service Commission shall establish a replacement list of employees who do not possess a competitive civil-service status, who have been involuntarily separated from the Federal service, with good records, after January 1, 1940, and who have had at least six months of Government service immediately prior to separation; such list to be used for temporary appointments to national-defense positions for terms not extending beyond the duration of the national-defense program.

2. The Commission shall determine what positions are national-defense positions, and shall prescribe such regulations as may be necessary to effectuate the provisions of this order. Such regulations shall, among other things, (a) prescribe the conditions of entry on such list, including the passing of noncompetitive tests of fitness and character investigations, (b) formulate the plan by which certifications from such list are to be made, and (c) provide opportunity for the use of such list in their discretion by agencies having national-defense positions.

3. Persons appointed from such list shall not acquire a competitive civil-

service status by virtue of such appointment.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
June 27, 1940.

[No. 8458]

[F. R. Doc. 40-2698; Filed, June 28, 1940;
12:20 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

NEW MEXICO

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 47 Stat. 497, it is ordered as follows:

SEC. 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in certain States for classification and other purposes, is hereby revoked so far as it affects the following-described public lands in New Mexico:

New Mexico Principal Meridian

T. 13 N., R. 15 E.,
sec. 25, lot 1,
sec. 36, lots 1, 2, 3, and 4;
aggregating 116.03 acres.

SEC. 2. Subject to valid existing rights, the lands described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved for use by the Farm Security Administration of the Department of Agriculture for the purpose of resettling native farm families who reside in or near the community of El Pueblo, in San Miguel County;

Provided, that none of such lands shall be sold in accordance with the provisions of section 43, title IV, of the Bankhead-Jones Farm Tenant Act of July 22, 1937,

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c. 517, 50 Stat. 522, 530, without the approval of the Secretary of the Interior, and no transfer of title to any of the lands shall be complete, unless evidenced by patent issued by the General Land Office;

And provided further, that this order shall not affect the right, title, and interest of the United States in the mineral resources of such lands, and shall not restrict the disposition of such mineral resources under the public-land laws.

Sec. 3. The withdrawal made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 27, 1940.

[No. 8459]

[F. R. Doc. 40-2696; Filed, June 28, 1940; 12:20 p. m.]

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER OF FEBRUARY 7, 1913, CREATING POWER SITE RESERVE No. 339

GILL CREEK, COLORADO

Modification No. 412

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that the Executive order of February 7, 1913, creating Power Site Reserve No. 339, be, and it is hereby, modified to the extent necessary to permit approval by the Secretary of the Interior of the application of Jerome Craig for a right-of-way for the enlargement of the Casto Reservoir within the following-described tracts as shown on the map subscribed and sworn to January 11, 1940, and filed in the United States Land Office at Denver, Colorado, January 15, 1940:

Sixth Principal Meridian

T. 15 S., R. 101 W.,
sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

June 27, 1940.

[No. 8460]

[F. R. Doc. 40-2697; Filed, June 28, 1940; 12:20 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER No. 8099 OF APRIL 28, 1939, RELATING TO ADMINISTRATION OF BENEFITS PROVIDED BY ACT OF CONGRESS APPROVED APRIL 3, 1939

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of July 3, 1930, ch. 863, 46 Stat. 1016, the proviso in the last paragraph of Executive Order No. 8099¹ of April 28, 1939, entitled "Administration of Benefits Provided by Act of Congress Approved April 3, 1939", is hereby amended to read as follows:

"Provided, That in the administration of the retirement-pay provisions of the said statute, the determination of all questions of eligibility for the benefits thereof, including all questions of law and fact relating to such eligibility, shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards, provided by law, or regulations for Regular Army personnel."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

June 28, 1940

[No. 8461]

[F. R. Doc. 40-2708; Filed, June 29, 1940; 12:04 p. m.]

¹ 4 F.R. 1725.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A. 187]

THE FEDERAL LAND BANK OF SPRINGFIELD

TITLE DETERMINATION FEE

Section 21.2 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 21.2 *Title determination fee.* Applicants for Federal land bank loans and Land Bank Commissioner loans shall not be required to pay a title determination fee. (Sec. 13 "Ninth", 39 Stat. 372, sec. 1, 47 Stat. 1547, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723, 1016 (e), and Sup.; 6 CFR 19.4019) [Res. Ex. Com., June 11, 1940]

[SEAL] THE FEDERAL LAND BANK
OF SPRINGFIELD,
By H. P. PERKINS, Secretary.

[F. R. Doc. 40-2714; Filed, July 1, 1940;
11:44 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[S.D. No. 62 Revision No. 2]

PART 302—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1940 CROP, PURSUANT TO THE SUGAR ACT OF 1937

Whereas, section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

and

Whereas, subsection (c) of section 301 of said act provides, as one of the con-

ditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

Now, therefore, pursuant to the foregoing sections of said Act, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

§ 802.26b *Determination of proportionate shares for the 1940 crop—(a) General.* The proportionate share of sugarcane, in terms of planted acres, for the 1940 crop for any farm in the mainland cane sugar area, except as provided in paragraphs (b), (c), and (d) hereof, shall be equal to the 1940 base acreage for the farm multiplied by the fraction whose numerator shall be the total proportionate share acreage for the 1940 crop (as estimated by the Secretary) required to be allocated to farms in the mainland cane sugar area to enable the area to meet its quota (and provide a normal carryover inventory) for the calendar year during which the larger part of the sugar from such crop normally would be marketed, less the total 1940 proportionate share acreage allocated pursuant to paragraphs (b) and (c) hereof, and whose denominator shall be the sum of all of the 1940 base acreages calculated in accordance with this determination. The 1940 base acreage for any farm for which a 1940 proportionate share is determined under this paragraph shall be:

(1) For any farm for which a 1939 proportionate share was established pursuant to paragraph (a) or subparagraph (1) of paragraph (b) of the "Determination of Proportionate Shares for Farms in the Mainland Cane Sugar Area for the 1939 Crop, Pursuant to the Sugar Act of 1937. (Revised)", issued February 1, 1939, the lesser of either (i) a number of acres equal to the planted proportionate share acreage measured for harvest on the farm under the 1938 mainland sugarcane program or (ii) a number of acres which, when added to the planted proportionate share acreage measured for harvest on the farm under the 1939 mainland sugarcane program, will equal 150 per centum of the 1938 proportionate share for the farm; and

(2) For any farm for which a 1939 proportionate share was established pursuant to subparagraph (3) of paragraph (b) of the determination of February 1, 1939, mentioned above, the lesser of

either (i) the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program or (ii) 50 per centum of the maximum 1939 proportionate share acreage to which the farm would have been entitled had the conditions of said subparagraph been complied with.

(b) *1940 proportionate shares for farms whose proportionate shares for 1939 were ten acres or less and for new growers.* The proportionate share of sugarcane, in terms of planted acres, for the 1940 crop for any farm having a proportionate share for the 1939 crop of 10 acres or less, or for any farm for which a proportionate share was not established in 1939 (new grower), shall be the greater of either:

(1) the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program, or

(2) the lesser of (i) 10 acres, or (ii) one-third of the acreage on the farm suitable for the production of sugarcane;

except that if the 1938 proportionate share for the farm was established pursuant to paragraph (b) of the determination of proportionate shares for the 1938 crop and the 1939 proportionate share was established under paragraph (a) of the determination of proportionate shares for the 1939 crop, the 1940 proportionate share may be determined under paragraph (a) hereof.

(c) *1940 proportionate shares for producer-owned and producer-controlled cooperatives.* The proportionate share for any farm operated by a producer-owned and producer controlled cooperative association which is eligible to obtain a loan under or pursuant to any existing act of Congress, and which was organized prior to the date hereof, shall be not less than the lesser of either: (i) ten acres multiplied by the number of members of the association engaged in the production of sugarcane on the farm, or (ii) one-third of the acreage on the farm suitable for the production of sugarcane.

(d) *Minimum proportionate share.* The minimum proportionate share for any farm in the mainland cane sugar area for the 1940 crop shall be:

(1) For any farm on which the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program was in excess of 10 acres, not less than 10 acres;

(2) For any farm for which a 1939 proportionate share was established under the proviso in paragraph (a) of the determination of proportionate shares for the 1939 crop, not less than the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program.

(3) In any event, not less than 5 acres.

(e) *Tenant and sharecropper protection.* The provisions of this determination shall not be deemed to have been met unless

(1) No change shall have been made in the leasing or cropping agreements for the purpose of diverting to producers any payment to which tenants or sharecroppers would be entitled if their 1939 leasing or cropping agreements were continued in effect; and

(2) There shall have been no interference by any producer with any contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugarcane produced on the farm.

This determination supersedes the "Determination of Proportionate Shares for Farms in the Mainland Cane Sugar Area for the 1940 Crop, Pursuant to the Sugar Act of 1937. (Revised)", issued March 6, 1940.¹ (Sec. 302, 50 Stat. 910; 7 U.S.C., Supp. IV, 1132)

Done at Washington, D. C., this 29th day of June 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2711; Filed, July 1, 1940; 9:18 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

FOOD STAMP PLAN; REVISED REGULATIONS AND CONDITIONS

By virtue of the authority vested in the Secretary of Agriculture by law, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations and conditions, to be in force and effect until amended or superseded by the Secretary of Agriculture.

ARTICLE I—DEFINITIONS

§ 100 *Definitions.* As used on any instrument or in any document in connection with the Food Stamp Plan unless the context clearly indicates another meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Administration" means the Surplus Marketing Administration, United States Department of Agriculture.

(c) "Administrator" means the Administrator or Assistant Administrator of the Administration.

(d) "Designated area" means a geographical area designated by the Administration as an area within which food stamps may be used.

(e) "Retail food store" means a merchandising establishment located in a designated area where a retail merchant carries on the business of selling food or grocery products to consumers not for the purpose of resale in any form and not for consumption on the premises; or a merchandising establishment maintaining retail trade routes within a des-

ignated area in dairy or bakery products or in such other food or grocery products, as, in the judgment of the Administration, will effectuate the Food Stamp Plan.

(f) "Food" means any commodity or product sold in retail food stores for internal human consumption, not on the premises; but does not include tobacco, wines, liquors, beers, or other alcoholic beverages.

(g) "Surplus food" means food found by the Secretary to be surplus and listed in Surplus Commodities Bulletins published and distributed by the Administration.

(h) "Orange stamps" means orange colored food stamps in denominations of twenty-five cents (25¢) each.

(i) "Blue stamps" means blue colored surplus food stamps in denominations of twenty-five cents (25¢) each.

(j) "Food stamps" means either orange or blue stamps or both.

(k) "Federal Surplus Commodities Corporation", "FSCC", or "Corporation" shall be construed to mean the Administration.

ARTICLE II—ISSUANCE OF FOOD STAMPS

§ 200 *Issuing agencies.* The Administration may, in order to effectuate the Food Stamp Plan, issue orange and blue stamps, or blue stamps only, to persons or classes of persons who, in its judgment, require public assistance or to authorized agencies for and on behalf of such persons or classes of persons. For such purpose and for such other purposes as the Administration may deem necessary and proper in effectuating the Food Stamp Plan, the Administration may enter into agreements with authorized public or private agencies or instrumentalities, and may utilize the personnel of such agencies and instrumentalities.

§ 201 *Eligibility of persons to obtain food stamps.* Orange and blue stamps may be issued to persons certified by the Administration or by authorized agencies as eligible for public assistance or who, in the judgment of the Administration, require public assistance. If, in the judgment of the Administration, the issuance of food stamps to any class or classes of eligible persons will not effectuate the purposes of the Food Stamp Plan, such class or classes may be excluded.

§ 202 *Certification of use.* The issuance of a food stamp book or series of food stamp books to any eligible person, after the issuance of the second food stamp book or series of food stamp books, shall be dependent upon either:

(a) The execution of such certification relative to the use of food stamps previously issued as the Administration may require; or

(b) The return of all the covers of food stamp books previously issued properly certified except the covers of the food stamp book or series of books last issued. If the Administration requires the return of food stamp book covers, a person who

loses the cover of any food stamp book shall be eligible to receive further food stamp books only upon the execution and presentation to the issuing officer of an affidavit of loss containing such certification as may be required by the Administration.

§ 203 *Intermittent participation.* If any participating person fails to purchase or obtain food stamps in any purchase period, he shall be eligible to receive further food stamp books only if the certifying agency certifies to the Administration or its authorized representative that such person refrained from purchasing or obtaining food stamps because of a substantial and emergency need. If the certifying agency fails to make such certification, such person may appeal to the Administration or its authorized representative, and shall be reinstated as eligible if, in the judgment of the Administration or its authorized representative, it is desirable to do so.

§ 204 *Amount and ratio of food stamps.* Any person who has been properly certified as eligible may purchase or obtain, in lieu of money payment, orange stamps in accordance with a formula to be prescribed by the Administration for each designated area. Any such person purchasing or obtaining orange stamps may be given blue stamps in the ratio of one blue stamp for each two orange stamps purchased or obtained: *Provided, however,* That whenever the Administration determines it to be necessary in order to effectuate the Food Stamp Plan, it may change the ratio above in respect to any persons or classes of persons. If, in any designated area, a substantial proportion of certain or all classes of eligible persons are found by the Administration to be unable to purchase or obtain orange stamps or are able to purchase or obtain orange stamps only in an amount substantially below the minimum requirement provided for in the formula for that area, blue stamps may be given in an amount determined by the Administration, without regard to the purchasing or obtaining of orange stamps.

§ 205 *Designation of agents.* Any eligible person may designate an agent for the purpose of obtaining food stamp books provided that such agent is not the owner or employee of a retail food store or one who will derive any pecuniary benefit from the agency relationship.

ARTICLE III—USE

§ 300 *Designation of surplus food.* The Administration shall from time to time prepare Surplus Commodities Bulletins in which there shall be listed agricultural commodities and products found by the Secretary to be surplus food. Such bulletins shall be distributed to all eligible retail food stores and shall be made available to wholesalers, organizations, and interested persons upon request.

§ 301 *Eligibility to accept food stamps.* Food stamps may be accepted in any retail food store in exchange for food or surplus food, provided such store, if required to do so by the Administration,

¹ 5 F.R. 985.

has filed an application for participation in the Food Stamp Plan in the manner prescribed by the Administration.

§ 302 Food obtainable by use of food stamps. Orange stamps may be accepted in any eligible retail food store in exchange for any food sold in such store, including surplus food. Blue stamps may be accepted in any eligible retail food store in exchange for surplus food only.

§ 303 Limitation on use of food stamps. Except for eligible milk merchants, no retail food store owner, nor any manager, clerk, or other employee thereof shall accept food stamps unless detached in the presence of such owner, manager, clerk, or other employee at the time food is delivered thereon. Food stamps shall not be used for food which, in the usual course of business, is consumed on the premises of any retail food store. Food stamps shall not be accepted in payment of debts previously incurred. Food stamps shall not be sold, transferred, assigned, or negotiated by any person preliminary to the proper delivery of food thereon, or used for any purpose or to effect any arrangement, agreement, scheme, or device contrary to the purposes of the Food Stamp Plan. Food delivered to any eligible person by virtue of the presentation of food stamps shall be consumed by such person and his family in the normal course of home consumption.

§ 304 Duties of retailers. It shall be the duty of the owner, manager, clerk, or other employee of any eligible retail food store to make every reasonable effort to determine that the person presenting food stamps for food or surplus food is the person whose name appears on the food stamp book or is a properly designated agent of such person and to require satisfactory evidence of such person's right to the possession of food stamps.

§ 305 Change. No retail food store owner and no manager, clerk, or other employee thereof shall give change in currency or otherwise in connection with food delivered in exchange for food stamps, or, except as provided in this section, deliver food of a value less than either a single food stamp or a multiple thereof: *Provided, however,* That if such owner, manager, clerk, or other employee so desires, and if the food or surplus food delivered is of a value of less than either a single food stamp or a multiple thereof, credit may be extended, in the form and manner approved by the Administration, for the future delivery of food or surplus food, as the case may be, for the balance of the face value of an orange or a blue stamp.

§ 306 Taxation. Transactions involving blue stamps are not subject to any tax on retail sales and no payment shall be made by the Administration on claims evidenced by blue stamps where the retail food store, by reason of the existence of any retail sales tax, has delivered food

of an actual value of less than the face value of each blue stamp evidencing and supporting such claim or has otherwise passed on the incidence of such tax to the blue stamp holder.

ARTICLE IV—REDEMPTION

§ 400 Payment of claims. Any retail food store owner who either personally or through an agent or representative delivers food or surplus food to an authorized holder of food stamps in accordance with these regulations and conditions shall be entitled, in the event a claim for payment is made and presented, properly supported by such food stamp cards, vouchers and other forms as the Administration may require, to receive payment for the face value of orange and blue stamps: *Provided,* The Administration is satisfied that a proper claim has been made.

§ 401 Presentation of claims by agents. Wholesalers or banks may act as agents for retail food stores in presenting to the Administration claims for payment represented by food stamps.

§ 402 Refunds. In the event food stamps are not presented for delivery of food thereon, the Administration shall make proportionate refunds on orange stamps if returned to the Administration, by the person to whom originally issued, together with blue stamps in the same ratio in which received.

ARTICLE V—COMPLIANCE

§ 500 Relief agencies. If, in any designated area in which an agency is supervising or administering the issuance of food stamps, the Secretary, or his duly authorized representative, after reasonable notice and opportunity for hearing, finds that there have been imposed unreasonable or arbitrary requirements as to the eligibility of persons to receive food stamps or finds that there has been a failure to abide by these regulations and conditions or to comply with the terms of any agreement or understanding with the Secretary or the Administrator in connection with the administration of the Food Stamp Plan, the Secretary, or his duly authorized representative, shall notify such agency that food stamps will not be available in such area until the Secretary, or his duly authorized representative, is satisfied that the unreasonable or arbitrary requirement is no longer so imposed and that there is no longer any failure to abide by such regulations and conditions, agreement, or understanding. Nothing contained herein shall be construed to limit the right of the Secretary to withdraw the Food Stamp Plan from any area whenever he has reason to believe that the purposes of Section 32, Public Law No. 320, 74th Congress, as amended, will not be effectuated by the continuation thereof.

§ 501 Violations. Whenever the Administrator shall determine that any person has violated, or is violating, these regulations and conditions or any amendment thereto, he may issue an

order denying to such person indefinitely, or for such period as he may determine, the privilege of further participation in the Food Stamp Plan. For this purpose, the Administrator may adopt and promulgate and from time to time modify or amend such rules of practice and procedure as he may deem necessary, not inconsistent with the provisions of these regulations and conditions. The Administrator may suspend alleged violators from the privilege of participating in the Food Stamp Plan at any time prior to or pending final determination as provided above, and may, as to the issuance of any order denying participation or as to any suspension as provided herein, take such action as to any such order or suspension which shall to him seem reasonably designed to make effective the terms thereof.

§ 502 Penalties. Any person who makes or causes to be made, or presents or causes to be presented, for payment or approval to or by any person or officer in the Administration or any one acting as an agent for the Administration, any claim for the payment evidenced by orange or blue stamps, knowing such claim to be false, fictitious or fraudulent or in violation of these regulations and conditions, or whoever, in connection with the obtaining, holding, use or presentation for payment of orange and blue stamps, shall knowingly and wilfully falsify or conceal or cover up by any trick, scheme or device a material fact or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false food stamp, food stamp book, food stamp card, certificate, voucher, bill, account, or claim, knowing the same to contain any fraudulent or fictitious statement or entry, or to be in violation of these regulations and conditions, shall be subject to such fines and punishments as may be provided in the United States Criminal Code and elsewhere, and may be denied further participation in the Food Stamp Plan.

ARTICLE VI—CONSTRUCTION

§ 600 Administrative interpretations. The Administration, in its discretion, may promulgate and issue administrative interpretations of any of the regulations and conditions herein contained, and such interpretations shall have the force and effect of these regulations and conditions.

§ 601 Derogation of rights. Nothing contained in these regulations and conditions, or in any administrative interpretation thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Administration, or of the United States to exercise any jurisdiction or power granted by law.

These revised regulations and conditions governing the Food Stamp Plan shall supersede all regulations and conditions previously issued by me and shall become effective on July 1, 1940.

Done at Washington, D. C., this 29th day of June 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2706; Filed, June 29, 1940;
11:48 a. m.]

COTTON STAMP PLAN—REVISED REGULATIONS AND CONDITIONS

By virtue of the authority vested in the Secretary of Agriculture by law, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations and conditions, to be in force and effect until amended or superseded by the Secretary of Agriculture.

ARTICLE I—DEFINITIONS

§ 100 *Definitions.* As used on any instrument or in any document in connection with the Cotton Stamp Plan unless the context clearly indicates another meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Administration" means the Surplus Marketing Administration, United States Department of Agriculture.

(c) "Administrator" means the Administrator or Assistant Administrator of the Administration.

(d) "Designated area" means a geographical area designated by the Administration as an area within which cotton stamps may be used: *Provided, however,* That such stamps may be used in any eligible retail dry goods store as defined herein.

(e) "Retail dry goods store" means a merchandising establishment located within a designated area where a retailer carries on, in whole or in part, the normal business of selling cotton or cotton goods to buyers for consumption and not for resale in any form, and merchandising establishments engaged in the retail distribution of cotton or cotton goods through the mail, whether or not such establishment is located in a designated area, whenever in the judgment of the Administration, the inclusion of the latter establishments would effectuate the purposes of the Cotton Stamp Plan. "Retail dry goods store" shall not include peddlers or other itinerant merchants.

(f) "Cotton and cotton goods" means any commodity or product which is made entirely in the United States and entirely from cotton produced in the United States, which is new and which is sold in retail dry goods stores for human or household use. Bindings, buttons and other fasteners, findings and trimming, shall not be considered in determining whether such commodity or product is made entirely of cotton.

(g) "Family" means persons living together in one household as an interdependent economic group.

(h) "Green stamps" means green colored cotton stamps in denominations of twenty-five cents (25¢) each.

(i) "Brown stamps" means brown colored surplus cotton stamps in denominations of twenty-five cents (25¢) each.

(j) "Cotton stamps" means either green or brown stamps or both.

(k) "Federal Surplus Commodities Corporation," "F. S. C. C.," or "Corporation" shall be construed to mean the Administration.

ARTICLE II—ISSUANCE OF COTTON STAMPS

§ 200 *Issuing agencies.* The Administration may, in order to effectuate the Cotton Stamp Plan, issue green and brown stamps, or brown stamps only, to persons or classes of persons who, in its judgment, require public assistance or to authorized agencies for and on behalf of such persons or classes of persons. For such purpose and for such other purposes as the Administration may deem necessary and proper in effectuating the Cotton Stamp Plan, the Administration may enter into agreements with authorized public or private agencies or instrumentalities, and may utilize the personnel of such agencies and instrumentalities.

§ 201 *Eligibility of persons to obtain cotton stamps.* Green and brown stamps may be issued to persons certified by the Administration or by authorized agencies as eligible for public assistance or who, in the judgment of the Administration, require public assistance. If, in the judgment of the Administration, the issuance of cotton stamps to any class or classes of eligible persons will not effectuate the purposes of the Cotton Stamp Plan, such class or classes may be excluded.

§ 202 *Certification of use.* The issuance of a cotton stamp book or series of cotton stamp books to any eligible person after the issuance of the second cotton stamp book or series of cotton stamp books shall be dependent upon either:

(a) The execution of such certification relative to the use of cotton stamps previously issued as the Administration may require; or

(b) The return of all the covers of cotton stamp books previously issued properly certified except the covers of the cotton stamp book or series of books last issued.

If the Administration requires the return of cotton stamp book covers, a person who loses the cover of any cotton stamp book shall be eligible to receive further cotton stamp books only upon the execution and presentation to the issuing officer of an affidavit of loss containing such certification as may be required by the Administration.

§ 203 *Intermittent participation.* If any participating person fails to purchase or obtain cotton stamps in any purchase period, he shall be eligible to receive further cotton stamp books only if the certifying agency certifies to the Administration or to an authorized representative that such person refrained from

purchasing or obtaining cotton stamps because of a substantial and emergency need. If the certifying agency fails to make such certification, such person may appeal to the Administration or to its authorized representative and shall be reinstated as eligible if, in the judgment of the Administration or its authorized representative, it is desirable to do so.

§ 204 *Amount and ratio of cotton stamps.* Any person who has been properly certified as eligible may purchase or obtain, in lieu of money payment, in each three month period, green stamps in accordance with the following formula: (a) for one person or a family of two persons, a minimum of \$2.00 or a maximum of \$3.00; (b) for a family of three or four persons, a minimum of \$3.00 and a maximum of \$5.00; (c) for a family of five persons or more, a minimum of \$4.00 and a maximum of \$6.00: *Provided, however,* That whenever the Administration determines it to be necessary in order to effectuate the Cotton Stamp Plan it may prescribe a different formula in any designated area. Any person purchasing or obtaining green stamps may be given brown stamps in the ratio of one brown stamp for each green stamp purchased or obtained: *Provided, however,* That whenever the Administration determines it to be necessary in order to effectuate the Cotton Stamp Plan it may change the ratio above in respect to any persons or classes of persons. If, in any designated area, a substantial proportion of certain or all classes of eligible persons are found by the Administration to be unable to purchase or obtain green stamps or are able to purchase or obtain green stamps only in an amount substantially below the minimum requirement provided for in the formula for that area, brown stamps may be given in an amount determined by the Administration without regard to the purchasing or obtaining of green stamps.

§ 205 *Designation of agents.* Any eligible person may designate an agent for the purpose of obtaining cotton stamp books, provided that such agent is not the owner or employee of a retail dry goods store or one who will derive any pecuniary benefit from the agency relationship.

ARTICLE III—USE

§ 300 *Eligibility to accept cotton stamps.* Cotton stamps may be accepted in any eligible retail dry goods store in exchange for cotton and cotton goods, provided such store, if required to do so by the Administration, has filed an application for participation in the Cotton Stamp Plan in the manner prescribed by the Administration.

§ 301 *Limitation on use of cotton stamps.* No retail dry goods store owner, nor any manager, clerk, or other employee thereof shall accept cotton stamps unless detached in the presence of such owner, manager, clerk, or other employee at the time cotton or cotton goods is de-

livered thereon: *Provided, however,* That authorized merchandising establishments may accept detached cotton stamps accompanying an order received through the mail when the goods ordered are to be delivered by mail. Cotton stamps shall not be accepted in payment of debts previously incurred. Cotton stamps shall not be sold, transferred, assigned, or negotiated by any person preliminary to the proper delivery of cotton or cotton goods thereon, or used for any purpose or to effect any arrangement, agreement, scheme or device contrary to the purposes of the Cotton Stamp Plan. Cotton or cotton goods delivered to any eligible person by virtue of the presentation of cotton stamps shall be utilized by such person and his family in the normal course of utilization of cotton or cotton goods by such person or family.

§ 302 *Duties of retailers.* It shall be the duty of the owner, manager, clerk, or other employee of any eligible retail dry goods store to make every reasonable effort to determine that the person presenting cotton stamps for cotton or cotton goods is the person whose name appears on the cotton stamp book or is a properly designated agent of such person and to require satisfactory evidence of such person's right to the possession of cotton stamps.

§ 303 *Change.* No retail dry goods store owner and no manager, clerk, or other employee thereof shall give change in currency or otherwise in connection with cotton or cotton goods delivered in exchange for cotton stamps, or, except as provided in this section, deliver cotton or cotton goods of a value less than either a single cotton stamp or a multiple thereof: *Provided, however,* That if such owner, manager, clerk, or other employee so desires, and if the cotton or cotton goods delivered are of a value less than either a single cotton stamp or a multiple thereof, credit may be extended in the form and manner approved by the Administration for future delivery of cotton or cotton goods for the balance of the face value of one cotton stamp.

§ 304 *Taxation.* Transactions involving brown stamps are not subject to any tax on retail sales and no payment shall be made by the Administration on claims evidenced by brown stamps where the retail dry goods store, by reason of the existence of any retail sales tax, has delivered cotton or cotton goods of an actual value of less than the face value of each brown stamp evidencing and supporting such claim or has otherwise passed on the incidence of such tax to the brown stamp holder.

ARTICLE IV—REDEMPTION

§ 400 *Payment of claims.* Any retail dry goods store owner who either personally or through an agent or representative delivers cotton or cotton goods to an authorized holder of cotton stamps in accordance with these regulations and conditions shall be entitled, in the event

a claim for payment is made and presented, properly supported by such cotton stamp cards, vouchers and other forms as the Administration may require, to receive payment for the face value of green and brown stamps, provided the Administration is satisfied that a proper claim has been made.

§ 401 *Presentation of claims by agents.* Wholesalers or banks may act as agents for retail dry goods stores in presenting to the Administration claims for payment represented by cotton stamps.

§ 402 *Refunds.* In the event cotton stamps are not presented for delivery of cotton or cotton goods thereon, the Administration shall make proportionate refunds on green stamps if returned to the Administration, by the person to whom originally issued, together with brown stamps in the same ratio in which received.

ARTICLE V—COMPLIANCE

§ 500 *Relief agencies.* If, in any designated area in which an agency is supervising or administering the issuance of cotton stamps, the Secretary, or his duly authorized representative, after reasonable notice and opportunity for hearing, finds that there have been imposed unreasonable or arbitrary requirements as to the eligibility of persons to receive cotton stamps or finds that there has been a failure to abide by these regulations and conditions or to comply with the terms of any agreement or understanding with the Secretary or the Administrator in connection with the administration of the Cotton Stamp Plan, the Secretary, or his duly authorized representative, shall notify such agency that cotton stamps will not be available in such area until the Secretary, or his duly authorized representative, is satisfied that the unreasonable or arbitrary requirement is no longer so imposed and that there is no longer any failure to abide by such regulations and conditions, agreement, or understanding. Nothing contained herein shall be construed to limit the right of the Secretary to withdraw the Cotton Stamp Plan from any area whenever he has reason to believe that the purposes of Section 32, Public Law No. 320, 74th Congress, as amended, will not be effectuated by the continuation thereof.

§ 501 *Violations.* Whenever the Administrator shall determine that any person has violated, or is violating these regulations and conditions or any amendment thereto, he may issue an order denying to such person indefinitely, or for such period as he may determine, the privilege of further participation in the Cotton Stamp Plan. For this purpose, the Administrator may adopt and promulgate and from time to time modify or amend such rules of practice and procedure as he may deem necessary not inconsistent with the provisions of these regulations and conditions. The Ad-

ministrator may suspend alleged violators from the privilege of participating in the Cotton Stamp Plan at any time prior to or pending final determination as provided above, and may, as to the issuance of any order denying participation or as to any suspension as provided herein, take such action as to any such order or suspension which shall to him seem reasonably designed to make effective the terms thereof.

§ 502 *Penalties.* Any person who makes or causes to be made, or presents or causes to be presented, for payment or approval to or by any person or officer in the Administration or any one acting as an agent for the Administration, any claim for payment evidenced by green or brown stamps, knowing such claim to be false, fictitious or fraudulent or in violation of these regulations and conditions, or whoever, in connection with the obtaining, holding, use or presentation for payment of green and brown stamps, shall knowingly and wilfully falsify or conceal or cover up by any trick, scheme or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false cotton stamp, cotton stamp book, cotton stamp card, certificate, voucher, bill, account, or claim, knowing the same to contain any fraudulent or fictitious statement or entry, or to be in violation of these regulations and conditions, shall be subject to such fines and punishment as may be provided in the United States Criminal Code and elsewhere, and may be denied further participation in the Cotton Stamp Plan.

ARTICLE VI—CONSTRUCTION

§ 600 *Administrative interpretations.* The Administration, in its discretion, may promulgate and issue administrative interpretations of any of the regulations and conditions herein contained, and such interpretations shall have the force and effect of these regulations and conditions.

§ 601 *Derogation of rights.* Nothing contained in these regulations and conditions, or in any administrative interpretation thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Administration, or of the United States to exercise any jurisdiction or power granted by law.

These revised regulations and conditions governing the Cotton Stamp Plan shall supersede all regulations and conditions previously issued¹ by me and shall become effective on July 1, 1940.

Done at Washington, D. C., this 29th day of June 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2712; Filed, July 1, 1940; 9:19 a. m.]

¹ 5 F.R. 1535.

TITLE 19—CUSTOMS DUTIES CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50182]

ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

*To Collectors of Customs, and Captains
of Ports and Others Concerned:*

Section 1, title II, of the so-called espionage act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), provides in part as follows:

Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

By virtue of a proclamation issued on the 27th day of June 1940,¹ the above quoted provisions of law are now in full force and effect.

Pursuant to the authority contained in the above quoted act, the following rules and regulations are hereby promulgated:

(1) All existing rules and regulations of any department, agency or instrumentality of the United States governing anchorage and movements of vessels in the territorial waters of the United States are hereby reaffirmed and continued in force during the period of the present emergency, except as modified by these rules and regulations.

(2) The rules and regulations governing the anchorage of vessels herein reaffirmed or promulgated shall be enforced by the captain of the port, or where the port has no such officer, by an officer of the Coast Guard or the Customs Service designated by the Secretary of the Treasury. In any case where there are no applicable rules or regulations governing the anchorage of vessels, all anchorage shall be in accordance with the directions of the captain of the port or other officer designated by the Secretary of the Treasury pursuant to this section.

(3) The movement of any vessel between points within the area of a port,

and the movement, lading, and discharging of explosive or inflammable material or other dangerous cargo shall be under the supervision and control of the captain of the port, or other officer designated by the Secretary of the Treasury pursuant to section (2) hereof.

(4) The captain of the port or other officer designated by the Secretary of the Treasury pursuant to section (2) hereof is hereby authorized to cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, to place guards upon such vessels, and to remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof.

(5) The collector of customs, through the captain of the port or other agency acting for the collector, is hereby directed, subject to the approval of the Secretary of the Treasury, to take full possession and control of any vessel, foreign or domestic, in the territorial waters of the United States, whenever it appears that such action is necessary in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States. Pending action by the Secretary of the Treasury, the collector of customs is authorized to detain any such vessel and is directed to communicate the facts by the most expeditious means available to the Secretary of the Treasury.

(6) The Secretary of the Treasury may require all lighters, barges, ferries, tugs, motor boats, sailboats, and similar craft operating in the harbor or waters of any port of entry, to be especially licensed by the collector of customs for such purpose and may revoke any license so granted for any failure to comply with the anchorage or harbor regulations for such port, or to obey the orders issued thereunder by any duly authorized officer, or for any act inimical to the interests of the United States in the present emergency.

(7) No vessel shall depart from any port or place in the United States, or from any port or place subject to the jurisdiction of the United States, on a voyage on which clearance by a customs officer of the United States is required, unless the principal customs officer in charge of the port of departure shall have been authorized by the Secretary of the Treasury to permit the departure.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved June 27, 1940.

FRANKLIN D. ROOSEVELT,
President.

[F. R. Doc. 40-2704; Filed, June 28, 1940;
4:29 p. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937¹

EMPLOYER TO NOTIFY OF DEATH OF EMPLOYEE

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the second and third paragraphs of § 250.2 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective June 19, 1940, by Board Order 40-333 dated June 22, 1940, to read as follows:

The notice of death shall also contain a statement of the amount of compensation earned by the deceased for service to the employer for each month of the period beginning with the first month of the next to the last completed calendar quarter and ending with the date of death and any other statement which the Board may deem necessary in carrying out the provisions of the Act.

This report does not take the place of the regular reports of employee's compensation to the Bureau of Wage and Service Records but represents an additional report with respect to deceased employees. The regular reports will be rendered when due, including any amounts which may be reported as the result of the death of the employee.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

Dated June 29, 1940.

[F. R. Doc. 40-2713; Filed, July 1, 1940;
9:26 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket Nos. FDC-7-A and B]

IN THE MATTER OF THE PUBLIC HEARING
FOR THE PURPOSE OF RECEIVING EVIDENCE
UPON THE BASIS OF WHICH REGULATIONS
MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND
STANDARD OF IDENTITY FOR CREAM, LIGHT
CREAM, COFFEE CREAM, TABLE CREAM AND
FOR WHIPPING CREAM—HEAVY CREAM

REGULATIONS FIXING AND ESTABLISHING DEFINITIONS
AND STANDARDS OF IDENTITY FOR THE CREAM
AND WHIPPING CREAM CLASSES OF FOOD, AND
FOR LIGHT CREAM OR COFFEE CREAM OR TABLE
CREAM, AND FOR LIGHT WHIPPING CREAM, AND
FOR HEAVY WHIPPING CREAM OR HEAVY CREAM

Upon consideration of the evidence received in the above-entitled proceedings,

¹ 5 F.R. 2419.

¹ 4 F.R. 1477.

the Presiding Officer's report, and the objections thereto, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (section 701, 52 Stat. 1055; 21 U.S.C. 371 (e); section 401, 52 Stat. 1046; 21 U.S.C. 341), findings of fact, upon the basis of which definitions and standards of identity for the classes of food known as cream and whipping cream, and for light cream or coffee cream or table cream, and for light whipping cream, and for heavy whipping cream or heavy cream are fixed and established, are hereby made as follows:

Finding 1

The sweet fatty liquid or semi-liquid separated from cows' milk and containing not less than 18 percent of milk fat constitutes a class of food commonly known as "cream".

Finding 2

The desired percentage of fat in cream is sometimes obtained by "adjusting" the cream, that is, by adding thereto and mixing therewith sweet milk or sweet skim milk.

Finding 3

Cream is frequently pasteurized.

Finding 4

Cream containing less than 30 percent of milk fat is commonly known as "light cream" or "coffee cream" or "table cream".

Finding 5

Light cream is sometimes homogenized.

Finding 6

Cream containing not less than 30 percent of milk fat constitutes a class of food commonly known as "whipping cream".

Finding 7

Whipping cream containing less than 36 percent of milk fat is commonly known as "light whipping cream".

Finding 8

Whipping cream containing not less than 36 percent of milk fat is commonly known as "heavy whipping cream" or "heavy cream".

Finding 9

The fat content of cream can be determined with a reasonable degree of accuracy by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, on page 277, under "Fat, Roese-Gottlieb Method—Official", a method well known to and commonly used by chemists.

Conclusion

On the basis of the foregoing findings of fact, regulations fixing and establishing definitions and standards of identity

No. 128—2

for the classes of food known as cream and whipping cream, and for light cream or coffee cream or table cream, and for light whipping cream, and for heavy whipping cream or heavy cream, should be and hereby are promulgated as follows:

§ 18.500 *Cream class of food—Identity.* Cream is the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized and if it contains less than 30 percent of milk fat as determined by the method hereinafter referred to, it may be homogenized. It contains not less than 18 percent of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 277, under "Fat, Roese-Gottlieb Method—Official". The word "milk" as used herein means cows' milk.

§ 18.501 *Light cream, coffee cream, table cream—Identity.* Light cream, Coffee Cream, Table Cream, conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.510 *Whipping cream class of food—Identity.* Whipping Cream is the class of food which conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains not less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.511 *Light whipping cream—Identity.* Light Whipping Cream conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.515 *Heavy cream, heavy whipping cream—Identity.* Heavy Cream, Heavy Whipping Cream, conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains not less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

It is ordered, That the foregoing regulations, as herein promulgated, become effective on the ninetieth day after this order is published in the FEDERAL REGISTER.

Dated, Washington, D. C., June 28, 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2700; Filed, June 28, 1940; 12:30 p. m.]

[Docket No. FDC-7-C]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR EVAPORATED MILK

REGULATIONS FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR EVAPORATED MILK AND FOR CONCENTRATED MILK

Upon consideration of the evidence received in the above-entitled proceeding, the Presiding Officer's report, and the objections thereto, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (section 701, 52 Stat. 1055; 21 U.S.C. 371 (e); section 401, 52 Stat. 1046; 21 U.S.C. 341), findings of fact, upon the basis of which definitions and standards of identity for evaporated milk and for concentrated milk are fixed and established, are hereby made as follows:

Finding 1

The liquid food made by evaporating part of the moisture from the sweet milk of cows, sealed in a container and so processed by heat as to prevent spoilage, is commonly known as "evaporated milk".

Finding 2

The ratio of non-fat milk solids to milk fat in evaporated milk is usually adjusted to a predetermined point before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or the addition of concentrated sweet skim milk.

Finding 3

Evaporated milk is homogenized in the course of its preparation.

Finding 4

The concentration of evaporated milk is limited by the percent of non-fat milk solids in the finished product, and concentration to a point where the non-fat milk solids is not less than 18 percent is a reasonable degree of concentration which can be and is accomplished by the application of accepted commercial methods of manufacture.

Finding 5

The advisory standard of identity for evaporated milk which was effective under the Food and Drugs Act of June 30, 1906, required evaporated milk to contain not less than 7.8 percent of milk fat and not less than 25.5 percent of total milk solids, and further required that the sum of the percentages of milk fat and total milk solids be not less than 33.7 percent.

Finding 6

Under such advisory standard, the requirement of not less than 33.7 percent

as the sum of the percentages of milk fat and total milk solids, was usually met by adjusting the ratio of non-fat milk solids to milk fat, so that the finished product would contain approximately 7.8 percent of milk fat and 18.1 percent non-fat milk solids.

Finding 7

In manufacturing evaporated milk so that the finished product contains 7.8 percent milk fat and 25.9 percent total milk solids, manufacturers generally can and do remove some of the milk fat before evaporation.

Finding 8

The ratio of non-fat milk solids to milk fat in the average fluid market milk of the Nation is about 2.275; such ratio is a proper ratio of non-fat milk solids to milk fat in evaporated milk.

Finding 9

A reasonable minimum for milk fat in evaporated milk is 7.9 percent; and a reasonable minimum for total milk solids therein, which permits flexibility in compensating lower non-fat milk solids with higher milk fat, is 25.9 percent.

Finding 10

During certain seasons of the year and in certain localities of the country, sweet milk is unstable, that is, it becomes lumpy or grainy or excessively thick after evaporation and sealing in a container and processing by heat.

Finding 11

Such unstable milk can be and is rendered stable by the addition thereto of disodium phosphate or sodium citrate or both, or of calcium chloride, in a total quantity not more than 0.1 percent by weight of the finished evaporated milk.

Finding 12

Sodium bicarbonate can also be used and sometimes is used by some manufacturers for the purpose of stabilizing milk but it can be and sometimes is used for the purpose of neutralizing sourness so as to permit the use of unfit milk.

Finding 13

The vitamin D potency of evaporated milk is increased sometimes, either by the application of radiant energy or by the addition of a concentrate of vitamin D dissolved in food oil.

Finding 14

When the food oil in which the vitamin D concentrate is dissolved is not milk fat, the quantity of such oil is not more than 0.01 percent of the weight of the finished evaporated milk.

Finding 15

When the vitamin D in such concentrate is obtained from natural sources by the application of accepted commercial methods, some vitamin A accompanies such vitamin D.

Finding 16

The object of increasing the vitamin D potency in evaporated milk is to increase the nutritional value of such milk to an extent where the total vitamin D content is recognized by experts as being sufficient to justify a claim of enhanced nutritive value; such total vitamin D content of evaporated milk is not less than 7.5 U. S. P. units per avoirdupois ounce.

Finding 17

Concentrated milk, which is also known as plain condensed milk, is a food of different identity from evaporated milk; concentrated milk differs from evaporated milk in the following respects:

1. Concentrated milk is not processed by heat.
2. Concentrated milk may or may not be homogenized.
3. None of the stabilizing ingredients named in Finding 11, nor any other stabilizing ingredient, is used in concentrated milk.
4. The container of concentrated milk may be unsealed.

Finding 18

The quantity of milk fat in evaporated milk and in concentrated milk can be determined with a reasonable degree of accuracy by the method prescribed under "Total Solids—Official" on page 279, and the quantity of milk fat can be determined with a reasonable degree of accuracy by the method prescribed under "Fat—Official" on page 280, of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.

Finding 19

The quantity of vitamin D in evaporated milk and concentrated milk can be determined with a reasonable degree of accuracy by the method prescribed in the "The Second Supplement to the Pharmacopoeia of the United States of America Eleventh Decennial Revision", pages 132-134 inclusive, and pages 136-138 inclusive, with such modification of the method of feeding as is necessary for feeding evaporated milk instead of oil.

Conclusion

On the basis of the foregoing findings of fact, regulations fixing and establishing definitions and standards of identity for evaporated milk and for concentrated milk should be and hereby are promulgated as follows:

§ 18.520 Evaporated milk—Identity—Label statement of optional ingredients.

(a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

- (1) Disodium phosphate or sodium citrate or both, or calcium chloride, added

in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as increases the total vitamin D content to not less than 7.5 U. S. P. units per avoirdupois ounce of finished evaporated milk.

It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (2) is present, the label shall bear the statement, "With Increased Vitamin D Content" or "Vitamin D Content Increased". Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk", without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section—

(1) The word "milk" means cows' milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 280, and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 279, of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in the "The Second Supplement to the Pharmacopoeia of the United States of America Eleventh Decennial Revision", pages 132-134 inclusive, and pages 136-138 inclusive, with such modification of the method of feeding as is necessary for evaporated milk instead of an oil.

§ 18.525 Concentrated milk, plain condensed milk—Identity—Label statement of optional ingredients. Concentrated milk, plain condensed milk, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for evaporated milk by § 18.520, except that:

- (1) It is not processed by heat;
- (2) Its container may be unsealed; and
- (3) Optional ingredient (1) is not used.

It is ordered, That the foregoing regulations become effective on the ninetieth

day after this order is published in the FEDERAL REGISTER.

Dated, Washington, D. C., June 28, 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2701; Filed, June 28, 1940;
12:30 p. m.]

[Docket No. FDC-7-D]

IN THE MATTER OF THE PUBLIC HEARING
FOR THE PURPOSE OF RECEIVING EVIDENCE
UPON THE BASIS OF WHICH REGULATIONS
MAY BE PROMULGATED FIXING AND ES-
TABLISHING A DEFINITION AND STANDARD
OF IDENTITY FOR SWEETENED CONDENSED
MILK

REGULATION FIXING AND ESTABLISHING A
DEFINITION AND STANDARD OF IDENTITY
FOR SWEETENED CONDENSED MILK

Upon consideration of the evidence re-
ceived in the above-entitled proceeding,
the Presiding Officer's report, and the ob-
jections filed thereto, and pursuant to the
provisions of the Federal Food, Drug, and
Cosmetic Act (section 701, 52 Stat. 1055;
21 U.S.C. 371 (e); section 401, 52 Stat.
1046; 21 U.S.C. 341), findings of fact,
upon the basis of which a definition and
standard of identity for sweetened con-
densed milk is fixed and established, are
hereby made as follows:

Finding 1

The liquid or semi-liquid food pre-
pared by evaporating part of the mois-
ture from a mixture of the sweet milk of
cows and a saccharine ingredient is com-
monly known as sweetened condensed
milk.

Finding 2

The saccharine ingredient in sweet-
ened condensed milk is refined sugar
(sucrose) or any mixture of refined sugar
(sucrose) and refined corn sugar (dex-
trose).

Finding 3

The quantity of the saccharine ingredi-
ent in sweetened condensed milk is suf-
ficient to prevent spoilage of the finished
product.

Finding 4

The ratio of non-fat milk solids to milk
fat in sweetened condensed milk is usu-
ally adjusted to a predetermined point,
before or after evaporation, by the addi-
tion or abstraction of cream or sweet
skim milk, or the addition of concen-
trated sweet skim milk.

Finding 5

A concentration of sweetened con-
densed milk to a point where the total
milk solids is not less than 28.0 percent
is a reasonable minimum degree of con-
centration which can be and is accom-
plished by the application of accepted
commercial methods of manufacture.

Finding 6

The advisory standard of identity for
sweetened condensed milk which was ef-
fective under the Food and Drugs Act
of June 30, 1906, required sweetened con-
densed milk to contain not less than 8.0
percent of milk fat and not less than 28.0
percent of total milk solids.

Finding 7

In manufacturing sweetened con-
densed milk so that the finished product
contains 8.0 percent fat and 28.0 percent
total milk solids, manufacturers gener-
ally can and do remove some of the milk
fat before evaporation.

Finding 8

The ratio of non-fat milk solids to
milk fat in the average fluid market milk
of the Nation is about 2.275; such ratio
is a proper ratio for non-fat milk solids
to milk fat in sweetened condensed milk.

Finding 9

Sweetened condensed milk, containing
not less than 28 percent total milk solids
and having approximately such ratio of
non-fat milk solids to milk fat, contains
not less than 8.5 percent milk fat.

Finding 10

The quantity of milk fat in sweetened
condensed milk can be determined with
a reasonable degree of accuracy by the
method prescribed in "Official and Tent-
ative Methods of Analysis of the Associ-
ation of Official Agricultural Chemists",
Fourth Edition, 1935, page 281, under the
caption "Fat—Official", a method well
known to and commonly used by
chemists.

Conclusion

On the basis of the foregoing findings
of fact, a regulation fixing and establish-
ing a definition and standard of identity
for sweetened condensed milk should be
and hereby is promulgated as follows:

§ 18.530 *Sweetened condensed milk—
Identity.* (a) Sweetened Condensed Milk
is the liquid or semi-liquid food made by
evaporating a mixture of sweet milk and
refined sugar (sucrose) or any combina-
tion of refined sugar (sucrose) and re-
fined corn sugar (dextrose) to such point
that the finished sweetened condensed
milk contains not less than 28.0 percent
of total milk solids and not less than
8.5 percent of milk fat. The quantity of
refined sugar (sucrose) or combination
of such sugar and refined corn sugar
(dextrose) used is sufficient to prevent
spoilage.

(b) For the purpose of this section—

(1) The word "milk" means cows' milk.
(2) Such milk may be adjusted, before
or after evaporation, by the addition or
abstraction of cream or sweet skim milk,
or the addition of concentrated sweet
skim milk.

(3) Milk fat is determined by the
method prescribed in "Official and Ten-
tative Methods of Analysis of the Asso-
ciation of Official Agricultural Chemists",
Fourth Edition, 1935, page 281, under
"Fat—Official".

It is ordered, That the foregoing regu-
lation become effective on the ninetieth
day after this order is published in the
FEDERAL REGISTER.

Dated, Washington, D. C., June 28,
1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2702; Filed, June 28, 1940;
12:31 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 4978]

INCOME TAX

DEDUCTION OF BAD DEBTS BY BANKS OR OTHER
CORPORATIONS WHICH ARE SUBJECT TO
SUPERVISION BY FEDERAL AUTHORITIES, OR
BY STATE AUTHORITIES MAINTAINING SUB-
STANTIALLY EQUIVALENT STANDARDS

To Collectors of Internal Revenue and
Others Concerned:

Paragraph (c) of § 19.23 (k)-1 of Reg-
ulations 103¹ [Part 19, Title 26, Code of
Federal Regulations, 1940 Sup.], para-
graph (c) of article 23 (k)-1 of Regula-
tions 101² [§ 9.23 (k)-1, Title 26, Code of
Federal Regulations, 1939 Sup.], the last
paragraph of article 23 (k)-1 of Regula-
tions 94 [§ 3.23 (k)-1, Title 26, Code of
Federal Regulations], and the last para-
graph of article 23 (k)-1 of Regulations
86 and of article 191 of Regulations 77,
both as amended by T.D. 4633,³ approved
April 3, 1936, are each amended to read
as follows [the paragraph designation of
(c) not being included in the amendment
of Regulations 94, 86, and 77]:

(c) Where banks or other corpora-
tions which are subject to supervision
by Federal authorities (or by State au-
thorities maintaining substantially
equivalent standards) in obedience to
the specific orders of such supervisory
officers charge off debts in whole or in
part, such debts shall be conclusively
presumed, for income tax purposes, to
be worthless or recoverable only in part,
as the case may be, but in order that
any amount of the charge-off may be al-
lowed as a deduction for any taxable
year it must be shown that the charge-
off took place within such taxable year.
But no such debt shall be so conclusively
presumed to be worthless or recoverable
only in part, as the case may be, if the
amount so charged off is not claimed as
a deduction for the taxable year in which

¹ 5 F.R. 348, 437, 569.

² 4 F.R. 616, 700, 802.

³ 1 F.R. 122.

such charge-off takes place. If a taxpayer does not claim a deduction in its return for such a totally or partially worthless debt for the year in which such charge-off takes place, but claims such a deduction for a later year, then such charge-off in the prior year will be deemed to have been involuntary and the deduction shall be allowed for the year for which claimed, if the taxpayer produces sufficient evidence to show (1) that the amount claimed in such later year was ascertained to be worthless or recoverable only in part, as the case may be, in such year, and (2) that, to the extent that the deduction claimed in the later year was not involuntarily charged off in prior years, it was charged off in the later year.

(This Treasury Decision is issued under the authority contained in sections 23 (k) and 62 of the Internal Revenue Code (53 Stat. 13, 32), and sections 23 (k) and 62 of the Revenue Acts of 1938, 1936, 1934, and 1932 (52 Stat. 460, 480, 26 U.S.C. Sup. 23 (k), 62; 49 Stat. 1658, 1673, 26 U.S.C. Sup. 23 (k), 62; 48 Stat. 638, 700, 26 U.S.C. 23 (k), 62; and 47 Stat. 179, 191))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, June 27, 1940.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-2703; Filed, June 28, 1940;
4:10 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER I—BITUMINOUS COAL DIVISION

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, II (H), OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHMENT OF RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

ORDER CORRECTING ERROR IN THE "ORDER PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS AND ESTABLISHING RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS AND RULES AND REGULATIONS FOR THE REGISTRATION OF BONA FIDE AND LEGITIMATE FARMERS' COOPERATIVE ORGANIZATIONS," DATED JUNE 19, 1940, IN THE ABOVE-ENTITLED MATTER

It appearing that the maximum discounts that may be allowed to registered farmers' cooperative organizations, as set forth in the conclusions on Page 58 of the "Findings of Fact, Conclusions and Opinion of the Director," dated June 19, 1940, in the above-entitled matter, were inadvertently omitted in the aforesaid Order dated June 19, 1940, where their inclusion was intended; therefore,

It is ordered, That the "Order Prescribing Due and Reasonable Maximum Discounts and Establishing Rules and Regulations for the Registration of Distributors and Rules and Regulations for the Registration of Bona Fide Legitimate Farmers' Cooperative Organizations," dated June 19, 1940, in the above-entitled matter be and the same is hereby corrected by inserting at the bottom of page 7 of said Order¹ the following:

"It is therefore ordered, That, in accordance with the Findings of Fact, Conclusions and Opinion of the Director entered herewith, the following maximum discounts are found to conform to the requirements of Section 4 of the Act, and the same be and are hereby prescribed, and ordered to be effective on the same date prescribed as the effective date of minimum prices established under Section 4, II (b) of the Act:

"(1) For the coals produced in Districts Nos. 1, 2, 3, 4, 6, 7, and 8, maximum discounts equal to the maximum discounts permitted on coal sold to registered distributors for resale to consumers.

"(2) For the coals produced in Districts Nos. 5 and 9-23, maximum discounts equal to the maximum discounts permitted on coal sold to registered distributors."

Dated, June 27, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-2642; Filed, June 28, 1940;
11:32 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—COUNCIL OF NATIONAL DEFENSE

ORDER ESTABLISHING THE NATIONAL DEFENSE RESEARCH COMMITTEE

Pursuant to authority vested in it by section 2 of the Act of August 29, 1916 (39 Stat. 649), the Council of National Defense, with the approval of the President, hereby establishes as a subordinate body to the Council a committee to be known as the National Defense Research Committee. The following persons shall be members of the Committee: Dr. Vannevar Bush, who shall be Chairman, Dr. James B. Conant, Dr. Richard C. Tolman, Dr. Karl T. Compton, Dr. Frank B. Jewett (as President of the National Academy of Sciences), Conway P. Coe (as Commissioner of Patents), one officer of the Army to be designated by the Secretary of War and one officer of the Navy to be designated by the Secretary of the Navy. Vacancies occurring in the membership of the Committee shall be filled by appointment by the Council with the approval of the President. The members of the Committee and of such subcommittees as may be formed by the Committee shall serve as such without com-

pensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties.

The Committee shall correlate and support scientific research on the mechanisms and devices of warfare, except those relating to problems of flight included in the field of activities of the National Advisory Committee for Aeronautics. It shall aid and supplement the experimental and research activities of the War and Navy Departments; and may conduct research for the creation and improvement of instrumentalities, methods, and materials of warfare. In carrying out its functions, the Committee may (a) utilize, to the extent that such facilities are available for such purpose, the laboratories, equipment and services of the National Bureau of Standards and other Government institutions; and (b) within the limits of appropriations allocated to it, transfer funds to such institutions, and enter into contracts and agreements with individuals, educational or scientific institutions (including the National Academy of Sciences and the National Research Council) and industrial organizations for studies, experimental investigations, and reports.

The Committee shall promulgate rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the Council and the President.

LOUIS JOHNSON,
Acting Secretary of War.

LEWIS COMPTON,
Acting Secretary of the Navy.

HAROLD L. ICKES,
Secretary of the Interior.

H. A. WALLACE,
Secretary of Agriculture.

HARRY L. HOPKINS,
Secretary of Commerce.

FRANCES PERKINS,
Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
June 27, 1940.

[F. R. Doc. 40-2709; Filed, June 29, 1940;
12:35 p. m.]

ORDER ESTABLISHING THE OFFICE FOR COORDINATION OF NATIONAL DEFENSE PURCHASES

Pursuant to authority vested in it by section 2 of the Act of August 29, 1916 (39 Stat. 649), the Council of National Defense, with the approval of the President, hereby establishes as a subordinate body to the Council an office to be known as the Office for Coordination of National Defense Purchases, at the head of which there shall be a Coordinator of National Defense Purchases (hereinafter referred to as the Coordinator). The Coordinator shall serve as such without compensation but shall be entitled to actual and necessary transportation,

¹Page 7 of original document concludes with District No. 23 (5 F.R. 2346).

subsistence and other expenses incidental to the performance of his duties.

The Office for Coordination of National Defense shall, in cooperation with the Advisory Commission:

(1) establish and maintain liaison between the Advisory Commission, the several departments and establishments of the Government and with such other agencies, public or private, as the Coordinator may deem necessary or desirable to insure proper coordination of, and economy and efficiency in, purchases by the Government of supplies, equipment, munitions, and other material requirements essential to the national defense;

(2) determine the most economical and effective methods of purchase of repetitive items common to several agencies and to assign the purchase function to the agency or agencies best qualified to perform it, provided that the War and Navy Departments shall have authority for making purchases necessary for the national defense, subject to such coordination as may be required to establish priorities;

(3) collect, compile and keep current statistics on purchases made by Federal agencies;

(4) coordinate the research in procurement specifications and standardization now conducted by the different Federal agencies;

(5) determine and keep current combined immediate material requirements of all Federal agencies, and estimate future requirements so as to facilitate purchases and to cushion the impact of such orders on the National economy;

(6) review existing laws and recommend to the President such new legislation and simplification of existing legislation as may be necessary to make Government purchasing more efficient and effective;

(7) investigate the necessity for and make recommendations to the President relative to the granting of priority to orders for material essential to the national defense over deliveries for private account or for export.

Donald M. Nelson is hereby appointed Coordinator of National Defense Purchases.

LOUIS JOHNSON,
Acting Secretary of War.
LEWIS COMPTON,
Acting Secretary of the Navy.
HAROLD L. ICKES,
Secretary of the Interior.
H. A. WALLACE,
Secretary of Agriculture.
HARRY L. HOPKINS,
Secretary of Commerce.
FRANCES PERKINS,
Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT.
THE WHITE HOUSE,
June 27, 1940.

[F. R. Doc. 40-2710; Filed, June 29, 1940;
12:35 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ALABAMA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Alabama State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

Jackson.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2684; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ARKANSAS

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Arkansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940, and (2) the following additional county:

Newton.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2668; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

COLORADO

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon

the basis of the recommendation of the Colorado State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Adams, Routt, and Weld.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2676; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

DELAWARE

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Delaware State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

New Castle.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2661; Filed, June 28, 1940;
11:47 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

GEORGIA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Georgia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Atkinson, Banks, Ben Hill, Bleckley, Catoosa, Clarke, Dade, Decatur, Dougherty, Gilmer, Glascock, Habersham, Irwin, Jeff Davis, Lanier, Lincoln, Lumpkin, Miller, Monroe, Peach, Pierce, Quitman,

Rabun, Rockdale, Schley, Taliaferro, Twigg, Ware, Webster, and Wheeler.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2683; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

INDIANA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Indiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Carroll, Knox, Madison, Montgomery, Noble, Rush, and Wayne.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2686; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ILLINOIS

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Illinois State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Adams, Christian, Clark, Clay, Edgar, Ford, Franklin, Henry, Schuyler, Jo Daviess, Livingston, McHenry, Macon, Macoupin, Mason, Monroe, Ogle.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2687; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

IOWA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Iowa State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Audubon, Benton, Buchanan, Butler, Cass, Cerro Gordo, Chickasaw, Crawford, Dallas, Decatur, Delaware, Dickinson, Keokuk, Lucas, Monroe, Montgomery, Palo Alto, Sac, Warren, and Winnebago.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2690; Filed, June 28, 1940;
11:52 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

KANSAS

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Kansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Allen, Clay, Coffey, Cowley, Douglas, Edwards, Mitchell, and Osage.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2680; Filed, June 28, 1940;
11:50 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MAINE

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration

Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Maine State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

York.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2665; Filed, June 28, 1940;
11:47 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MARYLAND

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Maryland State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Dorchester, Talbot, Howard, and St. Mary's.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2662; Filed, June 28, 1940;
11:47 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MICHIGAN

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Michigan State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year end-

ing June 30, 1940; and (2) the following additional counties:

Allegan, Clinton, and Sanilac.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2691; Filed, June 28, 1940;
11:52 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MINNESOTA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Minnesota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Big Stone, Chippewa, Grant, Lincoln, Rock, and Yellow Medicine.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2679; Filed, June 28, 1940;
11:50 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MISSISSIPPI

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Mississippi State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941:

All counties in Mississippi.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2669; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MISSOURI

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act,

and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Missouri State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Andrew, Barry, Callaway, Cass, Chariton, Dade, Dent, Harrison, Henry, Lewis, Lincoln, Livingston, Morgan, New Madrid, Perry, Pettis, Ralls, Ray, Scotland, and Scott.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2689; Filed, June 28, 1940;
11:52 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MONTANA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Montana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Carbon, and Lake.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2675; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEBRASKA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Nebraska State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal

year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Brown, Dixon, Fillmore, Howard, Knox, Lincoln, Red Willow, and Seward.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2681; Filed, June 28, 1940;
11:50 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW HAMPSHIRE

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New Hampshire State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

Merrimac.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2693; Filed, June 28, 1940;
11:53 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW JERSEY

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New Jersey State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Camden, and Cumberland.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2663; Filed, June 28, 1940;
11:47 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

NEW YORK

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New York State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Cayuga, Clinton, Erie, Madison, and Ontario.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2694; Filed, June 28, 1940;
11:53 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

NORTH CAROLINA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the North Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941:

All counties in North Carolina.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2667; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

NORTH DAKOTA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the North Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941:

(1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Hettinger, Mountrail, Rolette, Stark, Stutsman, and Traill.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2682; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

OHIO

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Ohio State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Adams, Allen, Clark, Clinton, Columbiana, Fairfield, Huron, Knox, Mercer, Muskingum, Portage, Union, Shelby, Wood, and Wyandot.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2688; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

OREGON

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Oregon State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Coos, Deschutes, and Marion.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2673; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

PENNSYLVANIA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Pennsylvania State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Bedford, Bradford, Cambria, Lehigh, Mercer, Montour, Perry, Potter, Snyder, Wayne, and York.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2664; Filed, June 28, 1940;
11:47 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

RHODE ISLAND

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Rhode Island State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

Washington.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2666; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT
PURCHASE LOANS

SOUTH CAROLINA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the South Carolina State Farm Security Advisory Committee, the following counties are

hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941:

All counties in South Carolina.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2671; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

SOUTH DAKOTA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the South Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Brown, Butte, Codington, Davison, Kingsbury, Sully, and Tripp.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2677; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

TENNESSEE

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Tennessee State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941:

All counties in Tennessee.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2670; Filed, June 28, 1940;
11:48 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

VERMONT

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant

Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Vermont State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Caledonia and Chittenden.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2672; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WEST VIRGINIA

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the West Virginia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Upshur, Ritchie, Pocahontas, Pendleton, Putnam, Roane, Nicholas, Wood, Pleasants, Grant, Taylor, Mineral, Monongalia, Hardy, and Wayne.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2685; Filed, June 28, 1940;
11:51 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WISCONSIN

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Wisconsin State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated

for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Dane, Vernon, Iowa, Polk, Sauk, and Winnebago.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2692; Filed, June 28, 1940;
11:52 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WYOMING

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Wyoming State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional county:

Washakie.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2674; Filed, June 28, 1940;
11:49 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

REGION XII EXCLUSIVE OF NEW MEXICO

JUNE 28, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Farm Security Advisory Committee for the states in Region XII other than New Mexico, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940; and (2) the following additional counties:

Colorado: Crowley and Kit Carson.
Kansas: Hodgeman.
Oklahoma: Beaver.
Texas: Collingsworth, Parmer, Lubbock, Hale, and Donley.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2678; Filed, June 28, 1940;
11:49 a. m.]

Office of the Secretary.

(Memorandum No. 867)

MAKING APPLICABLE TO THE EMERGENCY RELIEF APPROPRIATION ACT, FISCAL YEAR 1941, CERTAIN ORDERS, RULES, REGULATIONS AND DELEGATIONS OF AUTHORITY ISSUED UNDER AUTHORITY OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1939

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act, fiscal year 1941, approved June 26, 1940, particularly Sections 2 and 13 thereof, I hereby order and direct that the expenditure of funds appropriated or advanced to this Department by or pursuant to the said Act, and the administration of all activities conducted with such funds, shall be in accordance with the orders, rules, regulations, and delegations of authority heretofore issued and in effect on this date relating to the expenditure of funds appropriated to this Department by the Emergency Relief Appropriation Act of 1939, to the extent such orders, rules, regulations, and delegations of authority are consistent with the provisions of the Emergency Relief Appropriation Act, fiscal year 1941. Whenever any authority heretofore granted limited the amount of money which might be expended thereunder, such limit shall be deemed applicable to the total amount to be expended under such authorization out of funds appropriated by prior acts and funds appropriated by, or advanced pursuant to, the Emergency Relief Appropriation Act, fiscal year 1941. Any redelegations of authority in effect on the date of this order shall continue in effect subject to any powers heretofore granted to revoke such redelegations. The foregoing rules and regulations shall remain in effect until my further order.

[SEAL]

H. A. WALLACE,
Secretary.

[F. R. Doc. 40-2699; Filed, June 28, 1940;
12:30 p. m.]

Rural Electrification Administration.

(Administrative Order No. 474)

PROJECT DESIGNATION AMENDED

JUNE 22, 1940.

I hereby amend Administrative Order No. 183, dated January 31, 1938, and Administrative Order No. 261, dated June 9, 1938, by changing the project designation "Virginia 8020B1 Prince Williams" appearing therein to read "Virginia 8020B1 B. R. P."

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-2707; Filed, June 29, 1940;
11:49 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective July 2, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

Telephone Order, April 9, 1940 (5 F.R. 1371).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Durant Manufacturing Company, Durant, Mississippi; Hosiery; Full Fashioned; 5 learners; September 18, 1940.

Van Raalte Co., Inc., Blue Ridge, Georgia; Hosiery; Full Fashioned; 50 learners; September 18, 1940.

Adirondack Sportswear, Inc., Amsterdam, New York; Apparel; Cotton and Leather Outergarments; 8 learners; October 24, 1940.

Chic Manufacturing Company, 1001 South Adams Street, Peoria, Illinois; Apparel; Wash Dresses; 20 learners; October 24, 1940.

Continental Overall Company, Oska-loosa, Iowa; Apparel; Overalls; 25 learners; October 24, 1940.

E-Z Mills, Inc., Cartersville, Georgia; Knitted Wear; Cotton Knit Underwear; 5 percent; October 24, 1940.

Valatie Mills Corporation, Valatie, New York; Knitted Wear; Stockinette Fabrics & Cotton Fleece Garments; 3 learners; October 24, 1940.

Weil-Kalter Mfg. Company, Millstadt, Illinois; Knitted Wear; Knit Underwear; 20 learners; October 24, 1940.

Frank Russel Glove Company, Berlin, Wisconsin; Glove; Leather Dress Gloves; 5 learners; October 24, 1940.

The Hamilton County Farmers Telephone Association, 1109 K Street, Aurora, Nebraska; Independent Branch of the Telephone Industry; to employ learners as indicated in the Telephone Order as commercial and switchboard operators until December 31, 1940.

Signed at Washington, D. C., this 1st day of July 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-2715; Filed, July 1, 1940;
11:53 a. m.]

FEDERAL POWER COMMISSION.

(Docket No. G-165)

IN THE MATTER OF TENNESSEE GAS AND TRANSMISSION COMPANY

ORDER FIXING DATE FOR HEARING

JUNE 28, 1940.

Upon application filed April 26, 1940, and amendment thereto filed June 26, 1940, by Tennessee Gas and Transmission Company, a Tennessee corporation having its principal office in Chattanooga, Tennessee, under Section 7 (c) of the Natural Gas Act: (i) for authority to construct and operate a natural gas pipe line from natural gas fields in northern Louisiana to Nashville, Chattanooga, Knoxville, and other cities and communities in the State of Tennessee, and to Asheville, North Carolina, and vicinity; or, in the alternative, (ii) for a dismissal of its application for lack of jurisdiction, in the event the Commission should be of the opinion that it does not possess jurisdiction herein under the provisions of the Natural Gas Act;

The Commission orders that:

(A) A public hearing in this proceeding be held commencing on September 4, 1940, at 10 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Interested State Commissions may participate in this proceeding, as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2705; Filed, June 29, 1940;
11:33 a. m.]